

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and)	Civil Action No. 3:16-cv-02267
on Behalf of All Others Similarly Situated,)	
Plaintiff,)	Honorable Aleta A. Trauger
vs.)	UNOPPOSED MOTION OF LEAD
CORRECTIONS CORPORATION OF)	PLAINTIFF AND CLASS
AMERICA, et al.,)	REPRESENTATIVE TO APPROVE THE
Defendants.)	FORM AND MANNER OF CLASS NOTICE
_____)	AND NOTICE PLAN

Lead Plaintiff and Class Representative Amalgamated Bank, as Trustee for the LongView Collective Investment Fund (“Lead Plaintiff”), individually and on behalf of all others similarly situated, moves the Court for approval of: (i) the form of the Notice of Pendency of Class Action (the “Notice”) (attached hereto as Exhibit A); (ii) the form of the Summary Notice of Pendency of Class Action (the “Summary Notice”) (attached hereto as Exhibit B); and (iii) the method of notice (the “Notice Plan”) (attached hereto as Exhibit C) (collectively, the “Unopposed Motion”). Defendants Corrections Corporation of America (“CCA”), now known as CoreCivic, Inc. (“CoreCivic”), Damon T. Hininger, Todd J. Mullenger, David M. Garfinkle and Harley G. Lappin (collectively, the “Defendants,” and, with Lead Plaintiff, the “Parties”) do not oppose the Unopposed Motion and entry of the [Proposed] Order, concurrently filed herewith. In support of this Unopposed Motion, Lead Plaintiff states as follows:

1. “For any class certified under Rule 23(b)(3) . . . the court must direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” Fed. R. Civ. P. 23(c)(2)(B).

The notice must clearly and concisely state in plain, easily understood language:
(i) the nature of the action; (ii) the definition of the class certified; (iii) the class

claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the court will exclude from the class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a [later] class judgment on [class] members under Rule 23(c)(3).

Id.; see also *Does 1-2 v. Déjà Vu Servs., Inc.*, 925 F.3d 886, 900 (6th Cir. 2019). “To comport with the requirements of due process, notice must be ‘reasonably calculated to reach interested parties.’” *Fidel v. Farley*, 534 F.3d 508, 514 (6th Cir. 2008).¹

2. On March 26, 2019, the Court certified this action as a class action under Rule 23(b)(3) of the Federal Rules of Civil Procedure. ECF Nos. 165-166. The Class is defined as follows:

All persons who purchased or otherwise acquired Corrections Corporation of America, Inc. (“CCA”) [now known as CoreCivic] securities between February 27, 2012 and August 17, 2016, inclusive, and who were damaged thereby. Excluded from the Class are: (a) CCA [CoreCivic], its parents, subsidiaries and any other entity owned or controlled by CCA [CoreCivic]; (b) Damon T. Hininger, Todd J. Mullenger, and Harley G. Lappin; (c) all other executive officers and directors of CCA [CoreCivic] or any of its parents, subsidiaries or other entities owned or controlled by CCA [CoreCivic]; (d) all immediate family members of the foregoing, including grandparents, parents, spouses, siblings, children, grandchildren and steprelations of similar degree; and (e) all predecessors and successors in interest or assigns of any of the foregoing.

ECF No. 166. On August 23, 2019, the United States Court of Appeals for the Sixth Circuit denied Defendants’ petition for permission to appeal the class certification decision. ECF No. 174.

3. Defendants have reviewed the forms of Notice and Summary Notice and have agreed on the Notice, Summary Notice and Notice Plan. CoreCivic has agreed to produce the stock transfer records for its publicly traded common stock for the period of time between February 27, 2012 and August 17, 2016, inclusive, within 30 days of the date of entry of an order granting this Unopposed Motion.

¹ All citations and footnotes omitted and emphasis added unless otherwise indicated.

4. The Parties agree and submit that the Notice, the Summary Notice, and the Notice Plan comply with the requirements of due process and with Rule 23 of the Federal Rules of Civil Procedure.

5. The enclosed form of Notice does not provide a specific deadline for exclusion requests to be filed. The deadline, which will be indicated in the final Notice, will be 45 calendar days after the date the Notice is mailed.

6. Lead Plaintiff requests the appointment of Gilardi & Co. to serve as Notice Administrator.

WHEREFORE, pursuant to Rule 23 of the Federal Rules of Civil Procedure, Lead Plaintiff requests that the Notice and the Notice Plan be approved by the Court.

DATED: October 29, 2020

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 29, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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Mailing Information for a Case 3:16-cv-02267 Grae v. Corrections Corporation of America et al**Electronic Mail Notice List**

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)